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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,490	09/23/2003	Jason Ngin	1386-2	2272
23869	7590	06/10/2004	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	10/668,490	NOGIN ET AL.	
	Examin r	Art Unit	
	Bryon P. Gehman	3728	

-- The MAILING DATE f this communication appears on the cover sheet with the correspondence address --
Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 10, "the mop" lacks antecedent basis, as a "mop storage container" fails to distinguish a mop *per se*. See also claim 30, line 10.

In claim 3, line 2, "at least one third opening" is indefinite, as no second opening has been defined in parent claim 1. This renders each subsequent reference to a third opening in claims 3-5, absent a second opening, indefinite. See also claims 18-20.

In claim 6, lines 3-4, "at least one fourth opening" is indefinite, as no second or third openings have been defined by parent claim 1. This renders each subsequent reference to a fourth opening in claims 6-8, absent second and third openings, indefinite. See also claims 21-23.

In claim 9, since the mop has not been included positively as part of the invention, the first gasket is not "disposed between..." as now claimed. See also claim 24.

In claims 10 and 11, each refers to a second or third gasket, when its parent claim does not provide antecedent for a first or second gasket to render these limitations clear and accurate. See also claims 25 and 26.

In claim 16, line 13, "the mop" is indefinite, as no particular mop has yet been distinguished.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sergent (2,757,787). Disclosed is a mop storage container, which comprises a lower housing (1) including an upper side and a first opening (the perimeter of which is defined by edge 6), and an upper housing (4 and 4) including first and second members (4 and 4) extending upwardly from the lower housing, the first opening being in fluid communication with the upper housing, the first and second members flexibly attached to the lower housing, the first and second members adapted to receive a head of a mop in the upper housing when the members are spread apart, and adapted to substantially contain the head of the mop in the upper housing when the members are brought together.

As to claim 2, a second opening (5) is disclosed.

As to claim 3, a lower housing opening (receiving element 2) is disclosed which is adapted to drain fluid.

As to claim 4, the lower housing is clearly pitched toward the opening therein.

As to claim 5, a plug member (2) is disclosed.

As to claim 13, a handle (10) attached to the mop storage container is disclosed.

As to claim 15, each member (4) is hinged to the lower housing.

5. Claims 16-20, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sergent. The method of storing a mop as claimed is clearly met by the disclosed use of the container of Sergent.

As to claim 17, a second opening (5) is disclosed.

As to claim 18, a lower housing opening (receiving element 2) is disclosed which is adapted to drain fluid.

As to claim 19, the lower housing is clearly pitched toward the opening therein.

As to claim 20, a plug member (2) is disclosed.

As to claim 27, a handle (10) attached to the mop storage container is disclosed.

As to claim 29, each member (4) is hinged to the lower housing.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Borger et al. (5,836,322). Sergent has been explained above. Borger et al. disclose a strainer (at 35) disposed across a lower opening in a water tool-storing container. To modify the container of Sergent employing a strainer portion at a

lower opening thereof as taught by Borger et al. would have been obvious in order to strain fluid prior to dispensing therefrom, so that only fluid is dispensed therefrom.

8. Claims 9-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Kamm (1,869,753). Sergent has been explained above. Kamm discloses a draining tool-storing container including a gasket (at 26 and in mirror image thereto) disposed between a handle of the tool and hinged members defining the container. To modify the members of Sergent employing the gasket teaching of Kamm would have been obvious in order to render the upper housing air tight, as suggested by Kamm.

As to claims 10 and 25, a gasket (23) is additionally disclosed by Kamm between the first and second members, to render the upper housing air tight.

As to claims 11 and 26, since Kamm discloses the entire container as air tight, to modify the container of Sergent to have all necessary portions rendered air tight by a gasket would have been obvious.

As to claim 12, to provide the shape of the container in a wedge shape is also suggested by Kamm, and the mere change in shape is not seen to distinguish any new and unexpected result by such a shape.

9. Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Conrad (5,645,167). Sergent has been explained above. Kamm discloses a draining tool-storing container including latching members (44, 44) to retain

the members in proximity to one another. To modify Sergent employing latching means as suggested by Conrad would have been obvious in order to maintain the container in a closed position, as suggested by Conrad.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Borger et al. and Kamm. Sergent, Borger et al. and Kamm have been explained above. To modify the container of Sergent employing a strainer portion at a lower opening thereof as taught by Borger et al. would have been obvious in order to strain fluid prior to dispensing therefrom, so that only fluid is dispensed therefrom. To modify the members of Sergent employing the gasket teaching of Kamm would have been obvious in order to render the upper housing air tight, as suggested by Kamm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (703) 605-1174. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" and last name "Gehman" clearly distinguishable.

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG